



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,752	06/25/2001	Jeffry Calhoun	00575	9775
45695	7590	03/14/2005	EXAMINER	
WITHERS & KEYS FOR BELL SOUTH P. O. BOX 71355 MARIETTA, GA 30007-1355			AL AUBAIDI, RASHA S	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,752

Applicant(s)

CALHOUN ET AL.

Examiner

Rasha S AL-Aubaidi

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 13-18, 20-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-18, 20-25, and 27-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on October 18, 2004 has been entered. Claims 1 and 7 have been amended. No other claims have been canceled. No claims have been added. Claims 1-4, 6-11, 13-18, 20-25, and 27-28 are still pending in this application, with claims 1, 8, 15, and 22 being independent.

Claim Read on well known feature¹

2. Claims are rejected because they read on a cellular phone having a directory number and having a redirection service (e.g., to voice mail number). When a cellular phone is temporarily inoperative (e.g., no signal/reception in a particular area), then calls are redirected to voice mail. When the cellular phone starts receiving signals (e.g., user moves out of the no-reception area), then subsequent calls will be directed to the cellular phone.

Claim Rejections - 35 USC § 103

3. Claims 1-4, 6-11, 13-18, 20-25, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US PAT # 5,259,026) in view of Daly et al (US PAT # 5,222,128).

¹ Note that applicant has broadened the claims by deleting "service control point" and "service switching point"

Regarding claim 1, Johnson teaches a system for routing a communication directed to a directory number, wherein a redirection service is operative with respect to the communication directed to the directory number to direct the communication away from the directory number to at least one other directory number whenever the directory number to which the communication was directed is inoperative (this reads on retrieving updated telephone numbers and replacing them with non-working telephone numbers, see abstract), the system comprising: a switch (this reads on switch 10, Fig. 1, see col.3, lines 56-58, col.5, lines 38-47 and col.6, lines 42-54) configured to receive the communication in a switched telephone network, wherein the communication is directed to the directory number having the directory service (this reads on the calls directed to the directory number), and wherein the switch (11 in Fig.2) is configured to detect the inoperative directory number associated with the communication (see col.6, lines 42-54) ; and a controller (reads on SCP 21 in Fig. 2), in communication with the switch (see the relation between switch 11 and SCP 21 in col.6, lines 3-9, Fig. 2), wherein the switch is configured to provide the directory number to the controller, and wherein the controller includes a database of subscriber information maintained by the network (the database reads on the AIN rolling database element 50, see col.4, lines 56-67), and wherein the controller is configured to search the database of subscriber information for a matching entry to the inoperative directory number (see col.4, lines 63-67 and col.5, lines 7-15), and wherein the controller is configured to instruct the switch to redirect the communication away from the directory number to at least one other directory number upon finding the matching entry (see col.6, lines 42-68 and col.7, lines 18-24).

Johnson does not specifically teach the feature of the directory number being temporarily inoperative and/or temporarily inoperative due to a temporary service disruption.

However, Daly teaches providing an automatic massive rerouting (see col. 1, lines 42-50) to telephone calls during a disaster situation at the customer location (see abstract). Basically temporarily inoperative and/or temporarily inoperative due to a temporary service disruption may simply read on the disaster scenario.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of rerouting to telephone calls during a disaster situation at the customer location, as taught by Daly, into the Johnson system in order to enhance the chances of reaching the subscriber/user (called party) at any location such as cellular phone, and/or car in the event of temporary service disruption, i.e., cut-off in the telephone line in the event of snow, storm, or construction .

Claims 8, 15 and 22 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding Claims 2-3, 9-10, 16-17 and 23-24, Johnson does not specifically teach the switch is configured to test for the cable fault in a feeder cable. However, this

Art Unit: 2642

feature obviously provides the subscribers the convenience and the efficiency of routing calls, in case of failure on their cable in addition to preventing the needless processing of calls to non-working numbers. For the use of feeder cable, this is obvious and well known in the art, since any kind of cable could be tested.

Regarding claims 4, 11, 18 and 25, Johnson teaches the database of subscriber information includes one or more alternate directory numbers pursuant to a pre-selected redirection scheme (this may read on the data base which is updated, and calls should be completed to the updated telephone number, see col. 2, lines 18-27).

Regarding claims 6, 13, 20 and 27, Johnson teaches the switch routes the communication to the temporarily inoperative directory number to which the communication was directed when no corresponding entry is found in the database (see col. 2, lines 28-30).

Regarding claims 7, 14, 21 and 28, Johnson teaches a service management system (this reads on the SLP 26), in communication with the controller (controller reads on SCP 21 in Fig. 2), for downloading subscriber information to the database (see col. 7, lines 29-36).

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

Applicant's argues on page 9 line 22 of the amendment filed 10/18/2004 that "the examiner failed to account for the fact that neither Johnson nor Daly provides for automatic redirection during the disruption". Examiner would like to refer applicant to col. 1, lines 42-50 in Daly. Explaining that Daly teaches an automatic rerouting of telephone calls during a disaster situation at the customer location (see abstract). Also, in Johnson, the system "automatically" redirects the calls, see col. 7, line 63.

Furthermore, the recitation "automatically" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant also argues that "Daly only discloses that redirection occurs once the network service provider technician for the SSSR tool enters a command to the switch to invoke the redirection". This argument is irrelevant to the claimed invention. It is not

Art Unit: 2642

critical how or who will initiate the redirection as long as the reference (Daly) meets the functionality of the claimed limitations (automatically redirection during disruption)².

All applicant's arguments which are directed to the Solot reference are irrelevant. Solot reference was not relied upon in the last office action dated 07/09/2004. As a matter of fact, the reference was dropped in the July 9, 2004 office action.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

² Note that "automatically" does not have a single definition in the art. For example, in response to an

Art Unit: 2642

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

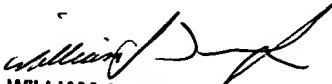
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha S Al-Aubaidi

02/22/2005


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER